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Attorneys for Plaintiff ORACLE AMERICA, INC.

ORACLE AMERICA, INC.

Case No. CV 10-03561 WHA

Plaintiff,

**DECLARATION OF ROMAN A.
SWOOPES IN SUPPORT OF ORACLE'S
OPPOSITION TO GOOGLE'S SECOND
MOTION FOR JUDGMENT AS A
MATTER OF LAW ON COUNT VIII OF
ORACLE'S AMENDED COMPLAINT**

GOOGLE INC

Defendant

1 I, Roman A. Swoopes, declare as follows:

2 1. I am an associate at Morrison & Foerster LLP and am counsel of record to Plaintiff
 3 Oracle America, Inc. (“Oracle”). I have personal knowledge of the matters set forth herein and, if
 4 called to testify, could and would testify competently to the following.

5 2. The Court admitted Trial Exhibits 623 and 623.1 through 623.10 into evidence.

6 The parties’ joint exhibit list describes TX 623 as “Source code for Java 2 Standard Edition
 7 Version 5.0, DS0000001899.” (ECF No. 923 at 28). TX 623.1 through 623.10 are printouts of
 8 source code files found within TX 623. Oracle’s counsel met and conferred with Google’s
 9 counsel, who agreed that TX 623 does, in fact, contain all accused source code materials.

10 3. TX 623.4 is a printout of an Oracle source code file called AclImpl.java. TX
 11 623.4 contains Java-language declarations for two classes. Line 19 of the TX 623.4, pasted
 12 below, contains the first line of a declaration for a class called AclImpl:

13 public class AclImpl extends OwnerImpl implements Acl {

14 Line 340 of TX 623.4, pasted below, contains the first line of a declaration for a second class
 15 called AclEnumerator:

16 final class AclEnumerator implements Enumeration {

17 4. The descriptions of TX 623.2 through 623.8 from the parties’ joint exhibit list
 18 (ECF No. 923 at 28) are as follows:

- 19 • 0623.2: \j2se\src\share\classes\sun\security\provider\certpath\PolicyNodeImpl.java
- 20 • 0623.3: \j2se\src\share\classes\sun\security\acl\AclEntryImpl.java
- 21 • 0623.4: \j2se\src\share\classes\sun\security\acl\AclImpl.java
- 22 • 0623.5: \j2se\src\share\classes\sun\security\acl\GroupImpl.java
- 23 • 0623.6: \j2se\src\share\classes\sun\security\acl\OwnerImpl.java
- 24 • 0623.7: \j2se\src\share\classes\sun\security\acl\PermissionImpl.java
- 25 • 0623.8: \j2se\src\share\classes\sun\security\acl\PrincipalImpl.java

26 5. The source code files from which Oracle accuses Google of literally copying
 27 comments, CodeSource.java and CollectionCertStoreParameters.java, can be found within TX
 28 623 and at sub-exhibits TX 623.9 and 623.10:

- 1 • 0623.9: \j2se\src\share\classes\java\security\CodeSource.java
- 2 • 0623.10:
- 3 \j2se\src\share\classes\java\security\cert\CollectionCertStoreParameters.java
- 4 6. Each of the source code files listed in ¶¶ 4-4 above bears a notice that reads
- 5 "Copyright 2004 Sun Microsystems, Inc. All rights reserved." Indeed, in the source code for the
- 6 37 accused packages, Oracle could only find one small segment of code written by Josh Bloch
- 7 that was missing such a copyright notice.

8 7. The accused Android source code corresponding to the above files can be found in
 9 TX 1030 and in printed form at TX 1031-1040:

- 10 • 1030: Android Source Code (Version 2.2.3_R2, Froyo) downloaded on March 12,
- 11 2012
- 12 • 1031: Froyo:
 \dalvik\libcore\support\src\test\java\org\apache\harmonny\security\tests\support\ce
 rt\PolicyNodeImpl.java
- 13 • 1032: Froyo: \dalvik\libcore\support\src\test\java\org\apache\harmon
 y\security\tests\support\acl\AclEntryImpl.java"
- 14 • 1033: Froyo: \dalvik\libcore\support\src\test\java\org\apache\harmon
 y\security\tests\support\acl\AclImpl.java"
- 15 • 1034: Froyo:
 \dalvik\libcore\support\src\test\java\org\apache\harmonny\security\tests\support\acl\
- 16 GroupImpl.java
- 17 • 1035: Froyo:
 \dalvik\libcore\support\src\test\java\org\apache\harmonny\security\tests\support\acl\
- 18 OwnerImpl.java
- 19 • 1036: Froyo:
 \dalvik\libcore\support\src\test\java\org\apache\harmonny\security\tests\support\acl\
- 20 PermissionImpl.java

- 1 • 1037: Froyo:
2 \dalvik\libcore\support\src\test\java\org\apache\harmony\security\tests\support\acl\
3 PrincipalImpl.java
- 4 • 1038: Froyo:
5 \dalvik\libcore\support\src\test\java\org\apache\harmony\security\tests\support\acl\
6 AclEnumerator.java
- 7 • 1039: Froyo:
8 \dalvik\libcore\security\src\test\java\org\apache\harmony\security\tests\java\securit
9 y\CodeSourceTest.java
- 10 • 1040: Froyo:
11 \dalvik\libcore\security\src\test\java\tests\security\cert\CollectionCertStoreParamet
12 ersTest.java

13 8. The Court admitted Trial Exhibit 897 into evidence. The parties' joint exhibit list
14 describes TX 897 as "JDK 5u22 for Windows -- Binary Installation Package." (ECF No. 923
15 at 43).

16 9. TX 897 contains files, embedded inside of an archive called "rt.jar," with the
17 following paths and names:

- 18 • \Oracle v Google Oracle 5.0.22 files\Oracle v Google Oracle 5.0.22
19 files\rt.jar\sun\security\provider\certpath\PolicyNodeImpl.class
- 20 • \Oracle v Google Oracle 5.0.22 files\Oracle v Google Oracle 5.0.22
21 files\rt.jar\sun\security\acl\AclEnumerator.class
- 22 • \Oracle v Google Oracle 5.0.22 files\Oracle v Google Oracle 5.0.22
23 files\rt.jar\sun\security\acl\AclImpl.class
- 24 • \Oracle v Google Oracle 5.0.22 files\Oracle v Google Oracle 5.0.22
25 files\rt.jar\sun\security\acl\GroupImpl.class
- 26 • \Oracle v Google Oracle 5.0.22 files\Oracle v Google Oracle 5.0.22
27 files\rt.jar\sun\security\acl\OwnerImpl.class

- 1 • \Oracle v Google Oracle 5.0.22 files\Oracle v Google Oracle 5.0.22
- 2 files\rt.jar\sun\security\acl\PermissionImpl.class
- 3 • \Oracle v Google Oracle 5.0.22 files\Oracle v Google Oracle 5.0.22
- 4 files\rt.jar\sun\security\acl\PrincipalImpl.class
- 5 • \Oracle v Google Oracle 5.0.22 files\Oracle v Google Oracle 5.0.22
- 6 files\rt.jar\sun\security\acl\AclEntryImpl.class

7 10. The Court admitted Trial Exhibits 896.1 through 896.8 into evidence. The
 8 descriptions of TX 896.1 through TX 896.8 from the parties' joint exhibit list (ECF No. 923
 9 at 43) are indicated below:

- 10 • 0896.1:
 11 rt(JavaSERuntime5.0u22).zip\rt\sun\security\provider\certpath\PolicyNodeImpl.ja
 12 d
- 13 • 0896.2: \rt(JavaSERuntime5.0u22).zip\rt\sun\security\acl\AclEntryImpl.jad
- 14 • 0896.3: \rt(JavaSERuntime5.0u22).zip\rt\sun\security\acl\AclImpl.jad
- 15 • 0896.4: \rt(JavaSERuntime5.0u22).zip\rt\sun\security\acl\GroupImpl.jad
- 16 • 0896.5: \rt(JavaSERuntime5.0u22).zip\rt\sun\security\acl\OwnerImpl.jad
- 17 • 0896.6: \rt(JavaSERuntime5.0u22).zip\rt\sun\security\acl\PermissionImpl.jad
- 18 • 0896.7: \rt(JavaSERuntime5.0u22).zip\rt\sun\security\acl\PrincipalImpl.jad
- 19 • 0896.8: \rt(JavaSERuntime5.0u22).zip\rt\sun\security\acl\AclEnumerator.jad

20 11. The Court admitted Trial Exhibit 1076 into evidence. TX 1076 contains an
 21 installation file "jdk-1_5_0-windows-i586.exe," which, when executed, installs the Java Standard
 22 Edition Development Kit version 5 on a Windows computer.

23 12. The installation of the Java Development Kit creates a file called rt.jar within a
 24 subfolder of the installation folder on the Windows computer on which it is installed.

25 13. The rt.jar archive file generated from running jdk-1_5_0-windows-i586.exe
 26 contains files with the following relative paths and names:

- 27 • \rt.jar\sun\security\provider\certpath\PolicyNodeImpl.class
- 28 • \rt.jar\sun\security\acl\AclEnumerator.class

- \rt.jar\sun\security\acl\AclImpl.class
- \rt.jar\sun\security\acl\GroupImpl.class
- \rt.jar\sun\security\acl\OwnerImpl.class
- \rt.jar\sun\security\acl\PermissionImpl.class
- \rt.jar\sun\security\acl\PrincipalImpl.class
- \rt.jar\sun\security\acl\AclEntryImpl.class

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on May 7, 2012 at San Francisco, California.

/s/ Roman A. Swoopes

Roman A. Swoopes

GENERAL ORDER 45 ATTESTATION

I, Michael A. Jacobs, am the ECF User whose ID and password are being used to file DECLARATION OF ROMAN A. SWOOPES IN SUPPORT OF ORACLE AMERICA, INC.'S OPPOSITION TO GOOGLE'S SECOND MOTION JUDGMENT AS A MATTER OF LAW ON COUNT VIII OF ORACLE'S AMENDED COMPLAINT. In compliance with General Order 45, X.B., I hereby attest that Roman A. Swoopes has concurred in this filing.

Dated: May 7, 2012

/s/ Michael A. Jacobs

MICHAEL A. JACOBS